



Attorney Docket: XY-Equine3-USNP  
Express Mail No.: EV419717125US

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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Application Number: 09/744,675  
Applicants: Edward L. Squires, Patrick M. McCue, George E. Seidel  
Filed: January 29, 2001  
Title: Equine System for Non-Surgical Artificial Insemination  
TC/A.U: 1634  
Examiner: Carla J. Meyers  
Assignee: Colorado State University through its agent Colorado State  
University Research Foundation  
Attorney Docket: XY-Equine3-USNP  
Customer No.: 33549

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**CERTIFICATE OF EXPRESS MAILING**

I, Barbara Graves, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, 3rd Floor, Fort Collins, Colorado 80521.
2. I have this day deposited the attached Letter of Transmittal and a postcard receipt with the United States Postal Service as "Express Mail" for mailing to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 27 day of May, 2004

  
Barbara Graves



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**SUPPLEMENT TO  
REQUEST FOR CONTINUED EXAMINATION  
PURSUANT TO 37 C.F.R. § 1.114**

This submission is a supplement to the Request for Continued Examination filed in the above-referenced case on April 7, 2004. The Request for Continued Examination was filed pursuant to 37 C.F.R. § 1.114 in response to an Office Action dated October 7, 2003, and was filed with an appropriate petition for extension of time.

The Office Action raised certain issues with respect to claims 136 and 137 of the above-referenced application over a publication by Schmid. The submission in the Request for Continued Examination included a statement that there are common authors and inventors respectively listed on the Schmid publication and the above-referenced application. The submission in the Request for Continued Examination further included a statement that although

not available for submission at the time of filing, the Applicant anticipated removal of the Schmid publication per the provisions of § 715.01(c), MPEP through a supplement to the Request for Continued Examination once the signed affidavit became available. The submission in the Request for Continued Examination also stated that as a consequence of the foregoing, the Schmid publication no longer would be available to the Office as a ground of rejection by the time the Request for Continued Examination was reviewed.


Enclosed with this supplement to the Request for Continued Examination is the affidavit referred to in the Request for Continued Examination as just described. The affidavit is submitted to remove the Schmid publication as a ground of rejection per the provisions of § 715.01(c), MPEP. Consequently, the Schmid publication no longer is available as a ground of rejection, and the Applicant respectfully submits that claims 136 and 137 of the above referenced application are in condition for allowance.

In as much as the present submission is a supplement to the Request for Continued Examination, which was itself timely filed, it is believed that the present submission is presented in a timely manner. This belief further has been confirmed by telephone inquiry to the examiner in this case. Consequently, the Applicant respectfully requests consideration of the enclosed affidavit in conjunction with the Request for Continued Examination filed on April 7, 2004.

Dated this 27 day of May, 2004.

Respectfully submitted,

SANTANGELO LAW OFFICES, P.C.

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2. I have this day deposited the attached Supplement to Request for Continued Examination pursuant to 37 C.F.R. § 1.114 with the United States Postal Service as "Express Mail" for mailing to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this \_\_\_\_ day of May, 2004

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Barbara Graves